

REMARKS

Claims 1-3 and 6-17 were pending in the application. No claims have been amended. Claims 1-3 and 6-17 have been cancelled without prejudice or disclaimer. Claims 18-32 have been added. Therefore, claims 18-32 are pending and are submitted for consideration.

35 U.S.C. §112 Rejections

Claims 2, 3, and 6-15 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 2, 3, and 6-15 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 2, 3, and 6-15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 2, 3, and 6-15 have been cancelled. Therefore, the rejections are now moot.

35 U.S.C. § 102 Rejection

Claims 2, 3, 6-13 and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,913,375 (hereinafter "Nishikawa"). Claims 2, 3, 6-13 and 15 have been cancelled. Thus, the rejection is now moot.

New Claims

New claims 18-32 read upon the elected invention and species.

New claims 18, 23, and 28 are independent claims. Claim 18 calls for an automotive lane deviation (LDP) apparatus that comprises, among other things, (a) a lane marking detection section, (b) a lateral displacement estimation section, and

(c) a road surface irregularities detection section configured to determine whether the host vehicle is traveling on predetermined road surface irregularities formed on or close to the lane marking line; and

(d) a vehicle yawing motion control section configured to execute the vehicle yawing motion control by which the host vehicle returns toward a central position of the host vehicle's driving lane;

wherein the vehicle yawing motion control section initiates the vehicle yawing motion control when the host vehicle is traveling on predetermined road surface irregularities while the lane marking detection section cannot recognize or detect the lane marking line and an absolute value of the future lateral displacement immediately before the lane marking detection section cannot recognize or detect the lane marking line is greater than or equal to a predetermined lateral displacement criterion.

Nishikawa fails to teach or suggest each and every recitation in claims 18, 23, and 28. For example, Nishikawa fails to teach or suggest initiating “the vehicle yawing motion control when the host vehicle is traveling on predetermined road surface irregularities while the lane marking detection section cannot recognize or detect the lane marking line and an absolute value of the future lateral displacement immediately before the lane marking detection section cannot recognize or detect the lane marking line is greater than or equal to a predetermined lateral displacement criterion” as called for in claim 18 and similarly in claims 23 and 28.

Claims 19-22, 24-27, and 29-32 depend from claim 18, claim 23, or claim 28 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are

needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 4, 2008

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5426
Facsimile: (202) 672-5399

By Jessica M. Cahill

Glenn Law
Attorney for Applicant
Registration No. 34,371

Jessica M. Cahill
Attorney for Applicant
Registration No. 56,986